

## REMARKS

### **1. Status of Claims**

Claims 1-3, 5-17 and 21-24 were pending in the Application. Applicants have cancelled claims 1-3, 5-17 and 21-24 without prejudice or disclaimer. Applicants have added new claims 25-31, dependent from allowed claim 21. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 21-31 will remain pending in the application.

### **2. Rejections under 35 USC § 103(a)**

In section 3 of the Office Action, the Examiner rejected Claims 1-3 and 5-17 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,681,045 B1 to Lapstun, et al. ("Lapstun '045") in view U.S. Patent No. 5,813,993 to Kaplan, et al. ("Kaplan '993").

Applicants respectfully traverse the rejection and note that one of skill in the art would not look to the system of Kaplan '993 dealing with drowsiness detection to modify the system of Lapstun. However, solely to expedite prosecution, Applicants have canceled claims 1-3 and 5-17 without prejudice or disclaimer and the rejection is moot. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 1-3 and 5-17.

### **3. Allowable Subject Matter**

Applicants appreciate the indication of allowance of claims 21-24. Applicants have added new dependent claims 25-31 that depend from allowed claim 21 and generally correspond to the previously submitted elements in claims 6, 9-13 and 16. Accordingly, Applicants respectfully submit that claims 21-31 are in condition for allowance.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection and submit that the invention as presently claimed in claims 21-31 is patentable and in condition for allowance.

#### **4. Conclusion Of Remarks**

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

#### **5. Authorization**

No fee is believed due with this Amendment other than that associated with the enclosed petition for extension of time to respond. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-522.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-522.

Respectfully submitted,

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